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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,) Case No. 2:18-CR-297-RSL
10 Plaintiff,)
11 v.) ORDER GRANTING MOTION TO
12 TIMOTHY ROSS SMITH,) CONTINUE TRIAL AND PRETRIAL
13 Defendant.) MOTIONS DEADLINE

14 This matter comes before the Court on defendant's "Unopposed Motion to
15 Continue Trial and Pretrial Motions Deadline." Dkt. #20. Having considered the facts
16 set forth in the motion, and defendant's knowing and voluntary waiver, the Court finds
17 as follows:

18 1. The Court adopts the facts set forth in the unopposed motion; specifically,
19 that defense counsel needs additional time to conduct research and investigations and
20 explore the needs of experts. The Court accordingly finds that a failure to grant a
21 continuance would deny counsel, and any potential future counsel, the reasonable time
22 necessary for effective preparation, taking into account the exercise of due diligence,
23 within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

24 2. The Court finds that a failure to grant a continuance would likely result in
25 a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).
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3. The Court finds that the additional time requested between February 11, 2019, and the proposed trial date of September 23, 2019 is a reasonable period of delay, as defense counsel needs additional time to conduct research and explore the needs of experts; and that this additional time is necessary to provide defense counsel reasonable time to prepare for trial, considering all of the facts set forth above.

4. The Court further finds that this continuance would serve the ends of justice, and that these factors outweigh the best interests of the public and the defendant in a more speedy trial, within the meaning of 18 U.S.C. § 3161(H)(7)(A).

5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including October 1, 2019, Dkt. #21, which will permit trial to start on September 23, 2019, per defense counsel's request.

IT IS HEREBY ORDERED that the trial date be continued from February 11, 2019, to September 23, 2019.

IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to August 15, 2019.

IT IS FURTHER ORDERED that the period of time from the current trial date of February 11, 2019, up to and including October 1, 2019, shall be excludable time pursuant to the 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

DATED this 11th day of January, 2019.

Mat S Casnik

Robert S. Lasnik
United States District Judge